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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

MARTINEZ, DAVID E

ART UNIT PAPER NUMBER

2182

DATE MAILED: 05/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/644,861

Applicant(s)

SAKUMA, NORIYUKI

Examiner

David E Martinez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 August 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2 and 4-8 is/are rejected.
- 7) ☒ Claim(s) 3 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 August 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 8/21/03 DM
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

The drawings are objected to because Figure 7, Element SP1 has a typo and should read "Waiting" and not "Waitting". Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 8 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

1. Claim 8 recites the limitation " each measurement channel" in the last 2 lines of the claim. There is insufficient antecedent basis for this limitation in the claim. Due to the

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vagueness and a lack of clear definiteness used in the claim, it been treated on its merits as best understood by the examiner.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2 and 4-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Admitted Prior Art (AAPA) in view of US Patent No. 3,881,156 to Deutsch.

2. With regards to claim 1, AAPA teaches a data acquisition apparatus [fig 1] comprising multiple input modules [fig 1 elements 20, 30, 40] having different measurement intervals [pg 3 lines 4-12], wherein said data acquisition apparatus [fig 1] is characterized in that a control means [fig 1 element 10] is provided for simultaneously driving each input modules [page 6 lines 7-9].

AAPA teaches all of the above limitations, but is silent about simultaneously driving each of the input modules at a desired measurement interval. However, Deutsch teaches simultaneously measuring intervals of different lengths and beginning at different times (at a desired measured interval) for the benefit of being able to have numerous measuring intervals of different lengths beginning at different times [column 1 lines 24-50].

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings AAPA and Deutsch to simultaneously drive each input module at a desired measurement interval for the benefit of being able to have numerous measuring intervals of different lengths beginning at different times.

3. With regards to claim 2, the combination of AAPA and Deutsch teaches the data acquisition apparatus described in claim 1, characterized in that a measurement start command transmission control means, which selectively sends measurement start commands to the individual input modules, is provided as a control means [Deutsch, column 19 lines 5-24] for the same reasons set forth above in claim 1.

4. With regards to claim 4, AAPA teaches the data acquisition apparatus described in any of the claims 1 through 3, characterized in that each input module has multiple measurement channels [fig 1 elements 20, 30, 40 have channels 1-10, channels 11-20, and channels 21-30 respectively].

5. With regards to claim 5, the combination of AAPA and Deutsch teaches the data acquisition apparatus described in claim 4, characterized in that the measurement interval for each measurement channel in each input module differs based on the measurement start command [Deutsch, column 1 lines 24-50 and column 19 lines 5-24] for the same reasons set forth above in claim 1.

6. With regards to claim 6, AAPA teaches the data acquisition apparatus described in claim 1, characterized in that a timing circuit, which outputs a sampling timing signal of a prescribed interval based on a common measurement start command, is provided as a control means to each input module [fig 1 line 14 signal line for start command - page 6 lines 7-14].

7. With regards to claim 7, AAPA teaches the data acquisition apparatus described in claim 6, characterized in that each input module has multiple measurement channels [fig 1 elements 20, 30, 40 have channels 1-10, channels 11-20, and channels 21-30 respectively].

8. With regards to claim 8, the combination of AAPA and Deutsch teaches the data acquisition apparatus described in claim 6 characterized in that the measurement interval for

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each measurement channel in each input module is different [Deutsch, column 19 lines 5-24] for the same reasons set forth above in claim 1.

Allowable Subject Matter

Claim 3 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David E Martinez whose telephone number is (571) 273-4152. The examiner can normally be reached on 8:30-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A Gaffin can be reached on (571) 272-4146. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DEM


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